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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**FACEBOOK, INC.'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
SPECIAL MASTER'S ORDER
FOLLOWING MAY 17, 2022 HEARING
REGARDING PRODUCTION OF
NAMED PLAINTIFF DATA**

Pursuant to Civil Local Rules 7-11 and 79-5, Facebook, Inc. (“Facebook”) hereby submits this Administrative Motion To File Under Seal the Special Master’s Order Following May 17, 2022 Hearing Regarding Production Of Named Plaintiff Data (the “Order”). Facebook’s proposed redactions are limited to one passage that the Court previously found good cause to seal.

I. Background

On March 24, 2022, Special Master Garrie issued the Order and filed it on the public docket. Dkt. 931. The Order quotes a passage from the December 10, 2021 Declaration Of Mengge Ji In Support Of Facebook’s Motion For Reconsideration Of The Special Master’s Order Regarding Plaintiffs’ Motion To Compel Production Of Plaintiff Data, which Facebook attached to its April 18, 2022 letter submission to the Special Master. Order at 1:16–17; *see* Dkt. 814-1 at 0036 ¶ 16. The Court previously found good cause to seal this passage in connection with Facebook’s Appeal Regarding the Special Master’s Amended Order Regarding Plaintiffs’ Motion To Compel Production Of Plaintiff Data. *See* Dkt. 813 at 0036 ¶ 16 (redacting this passage); Dkt. 844 (granting motion to seal). Immediately after the Order was filed on the public docket, Facebook notified the Special Master that the Order contained Facebook’s confidential information, and the Order was promptly locked from the public access. The Court then removed the Order from the docket. Dkt. 940. Facebook now submits this Administrative Motion To File Under Seal the Order.

II. The Good Cause Standard Applies Because The Motion Is Unrelated To The Merits

When a party seeks to seal judicial records related to the merits of a case, there is a “strong presumption in favor of” public access to the records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). But this high standard does not apply where, as here, the information a party seeks to seal is “unrelated or only tangentially related to the merits of a case.” *Doe v. Walmart, Inc.*, 2019 WL 636362 at * 1 (N.D. Cal. Feb. 11, 2019); *see also Kamakana*, 447 F.3d at 1179 (“[T]he public has less of a need for access to court records attached only to non-dispositive motions because those documents are often unrelated, or only tangentially related, to the underlying cause of action.”). Instead, courts seal information in non-dispositive motions so long as there is good cause to do so because public disclosure of the information would cause harm or prejudice, and the request is narrowly tailored. *Walmart*, at *1–*2. Here, the Order is related to a

discovery dispute, not the merits of this action, so the good cause standard applies.

III. There Is Good Cause To Seal Facebook's Limited Proposed Redactions

Facebook asks the Court to permanently seal only the same passage it previously found good cause to seal. Order at 1:16–17. If publicly disclosed, this passage would reveal confidential technical information about Facebook's data system and Facebook's proprietary methods for storing and analyzing data. Richardson Decl. ¶ 5. How Facebook stores, manages, and processes data are key components of its business that set it apart and ahead of its competitors. *Id.* If this information were publicly disclosed, competitors could use it to improve their own methods for managing high volumes of data from interactions with large numbers of third parties. *Id.* Courts routinely seal commercially sensitive information that “competitors would be able to take advantage of” and use unfairly if disclosed. *Asetek Danmark A/S v. CMI USA, Inc.*, 2015 WL 4511036 at *2 (N.D. Cal. July 23, 2015). Additionally, hackers and other bad actors could use this information to better understand Facebook's data systems and target specific repositories of data, potentially harming both Facebook and its users. Richardson Decl. ¶ 5. For these reasons, the Court previously found good cause to seal this exact same confidential information, and should do so again. Dkts. 812 at 5 (seeking to seal this passage), 844 (granting motion to seal).

Facebook's proposed redactions are narrowly tailored because the redactions are limited to information the Court has previously found narrowly tailored. Dkt. 844; *see Dunbar v. Google, Inc.*, 2013 WL 12216625, at *1 (N.D. Cal. Aug. 18, 2014) (granting sealing requests that were “narrowly tailored to protect . . . proprietary information”).

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For these reasons, Facebook respectfully requests that the Court permanently seal Facebook's limited proposed redactions to the Order.

1 Dated: June 15, 2022

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